

THE HON'BLE MR JUSTICE J.CHELAMESWAR
AND
THE HON'BLE MR JUSTICE D. APPA RAO

WRIT PETITION No: 9719 of 2006

Dated: 26.06.2006

Between:

Kaka Ramayamma & another

..... PETITIONERS

AND

Palem Satyanarayana @ Satyam
& others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE J.CHELAMESWAR
AND
THE HON'BLE MR JUSTICE D. APPA RAO

WRIT PETITION No: 9719 of 2006

ORDER:- (PER THE HONOURABLE JC,J)

This writ petition is filed complaining that the child of the petitioners herein was abducted by the 1st respondent, in spite of the complaint on 05.01.2006. The petitioners herein complained that initially they filed a complaint with the Devipatnam Police Station – 2nd respondent herein and as the 2nd respondent did not take any action on the complaint, they filed a private complaint on the file of the Judicial First Class Magistrate, Rampachodavaram on 24.03.2006, which was in turn referred by the Magistrate to the 2nd respondent herein. Thereupon, the police registered a case in Crime No.11, dated 09.04.2006, under various sections. Complaining that in spite of reference by the criminal Court, since no action is being taken by the police, the present writ petition

is filed with a prayer as follows:

“.....Hon'ble Court may be pleased to issue a writ or order or direction more particularly one in the nature of Writ of Habeas Corpus, directing the respondents to forthwith produce in this Hon'ble Court Master Kaka Praveen Kumar, aged about 6 years, the child of the petitioners and this Hon'ble Court may be further pleased to handover the custody of the said Praveen Kumar to the petitioners and pass such other order/s as deemed fit and proper in facts and circumstances of the case.”

Counter-affidavit is filed by the 2nd respondent. The substance of the counter is that the 1st respondent is none other than the first husband of the 1st petitioner. There is a dispute regarding the paternity of the alleged detenu - child and the alleged detenu is in the custody of the 1st respondent.

Learned counsel for the petitioners submits that he may be permitted to withdraw the writ petition with a liberty to take such appropriate action as may be available to him under law.

Accordingly, the writ petition is dismissed as withdrawn with liberty as prayed for. No order as to costs.

J.CHELAMESWAR, J

D. APPA RAO, J

Date: 26.06.2006
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